

Entered -9-28-00 - sb
CL 00L0591 - GWENDOLYN BURNS

00-*R*-1740

CLAIM OF: **EDDRIKA RUSSELL and ELIZABETH
MCGHEE on behalf of their deceased father,
EDWARD BUTLER, JR.**
through their attorney,
Nicol J. Hanyard, Esq.
HANYARD LAW OFFICE, P.C.
100 Peachtree Street, Suite 2060
The Equitable Building
Atlanta, Georgia 30303

For damages alleged to have been sustained from a wrongful death
incident on June 16, 2000 at 723 Kennedy Street, SW.

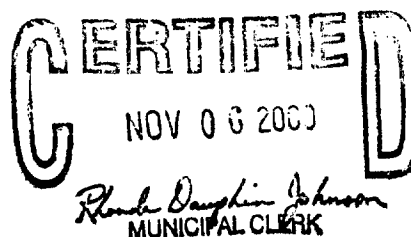
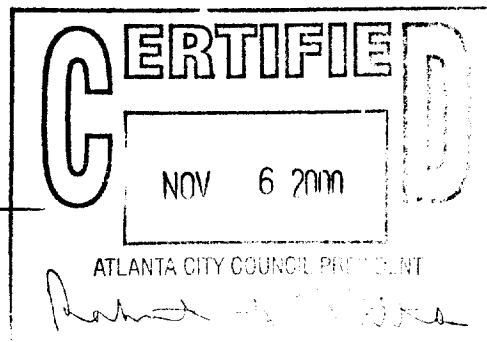
THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY
CITY COUNCIL NOV 06 2000

ADVERSE REPORT





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

November 15, 2000

Nicol J. Hanyard, Esq.
Attorney at Law
100 Peachtree Street
Suite 2060
The Equitable Building
Atlanta, GA 30303

00-R-1740

RE: Eddrika Russell & Elizabeth McGhee on behalf of
their deceased father, Edward Butler, Jr.

Dear Attorney Hanyard:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0591

Date: October 20, 2000

Claimant /Victim EDDRIKA RUSSELL and ELIZABETH MCGHEE on behalf of their deceased father, EDWARD BUTLER, JR.

BY: (Atty) (Ins. Co.) Nicole J. Hanyard, Esq., HANYARD LAW OFFICE, P.C.

Address: 100 Peachtree Street, Suite 2060, The Equitable Building, Atlanta, Georgia 30303

Subrogation: Claim for damage \$ unspecified Bodily Injury \$

Date of Notice: 9/28/00 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)

Date of Occurrence 3/23/00 Place: 770 Deckner Avenue, SW

Department POLICE Division

Employee involved E. Earls Disciplinary Action:

NATURE OF CLAIM: Claimants allege that that they have sustained extensive injury as a result of their father, Edward Butler, Jr. being wrongfully killed by Officer Earls during an attempted apprehension and arrest. However, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A. Section 36-33-3.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report Other X

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

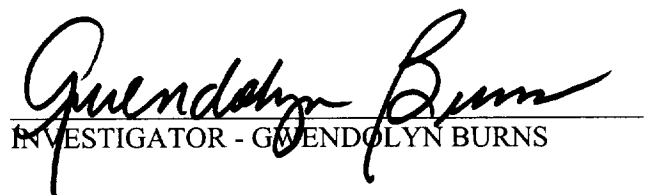
Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GUENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager:  Concur/date 10/20/00

Committee Action: Council Action

HANYARD LAW OFFICE, P.C.

NICOL J. HANYARD
ATTORNEY AT LAW
100 PEACHTREE STREET
SUITE 2060, THE EQUITABLE BLDG.
ATLANTA, GEORGIA 30303

TELEPHONE (404) 577-3595
FACSIMILE (404) 577-2484

PERSONAL INJURY

FAMILY LAW

September 22, 2000

Via Hand Delivery
& Certified U.S. Mail
Certified Mail No. P 459 838 410

ENTERED - 9-28-00 - SB
00L0591 - GWEN BURNS

Robert L. Pitts
City Council President
City Council, City of Atlanta
55 Trinity Avenue, S.W.
Suite 2900
Atlanta, Georgia 30335

Re: Ante Litem Notice
Wrongful Death Claim

Dear President Pitts:

Please be advised that our office, along with attorneys Craig Jones, Jerry Boykin and Barry Hazen, represent Eddrika Russell and Elizabeth (Jeanna) McGhee, the children of the now, deceased, Edward Butler, Jr..

Edward Butler, Jr. was shot and killed by an Atlanta police officer on March 23, 2000. According to the police report, Atlanta police officer, E. Earls, chased an unarmed Edward Butler, into a residential area. Following the chase, Edward Butler was shot in the back of the head by the officer. The police officer indicates in his report, that he believed Mr. Butler initially had a weapon but dropped it during the chase. However, further investigation reveals that no weapon was ever recovered.

Following the shooting, Edward Butler, Jr. was taken to Grady Hospital for treatment of the gun shoot wound. He died a few days later while still at Grady.

Our investigation reveals that this was an unnecessary and unreasonable shooting. Said shooting constituted unreasonable force and negligence under both Georgia and Federal law.

The acts of the Atlanta Police were wrongful and have caused extensive injury to the surviving children of Edward Butler, Jr..

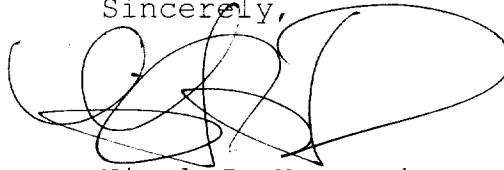
Robert L. Pitts
President, Atlanta City Council
P. 2, 9/22/2000

The injuries and damages sustained by these children were the direct and proximate result of the negligent and wrongful acts and omissions of the Atlanta Police Department and its agents and employees.

Accordingly, this letter will serve as notice to you of claims and a potential lawsuit to be filed on behalf of these children as well as the Estate of Edward Butler, Jr.. The minor children are entitled to recover damages for the wrongful death of their father, Edward Butler, Jr. in the amount of \$1,000,000.00 each. This letter will also serve as notice of any possible claims to be made by the Estate of Edward Butler, Jr. for losses sustained as a result of his death. These parties will pursue all available claims against the City of Atlanta, its Officers and all other necessary parties.

Should you wish to discuss any of these issues, please do not hesitate to contact our office or that of our co-counsel.

Sincerely,

A handwritten signature in black ink, appearing to be "Nicol J. Hanyard", written over a large, loopy, and somewhat illegible scribble.

Nicol J. Hanyard

NJH:n

cc: Craig Jones, Esq.
Jerry Boykin, Esq.
Barry Hazen, Esq.

00-R -1740

RCS# 2356
11/06/00
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
B Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-R-1422
00-R-1666

CONSENT

		11/06/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1577 2. 00-O-1586 3. 00-O-1615 4. 00-O-1661 5. 00-O-1663 6. 00-O-1670 7. 00-R-1578 8. 00-R-1685 9. 00-R-1780 10. 00-R-1659 11. 00-R-1688 12. 00-R-1689 13. 00-R-1704 14. 00-R-1722 15. 00-R-1723 16. 00-R-1708 17. 00-R-1774 18. 00-R-1709 19. 00-R-1710 20. 00-R-1711 21. 00-R-1712 22. 00-R-1713 23. 00-R-1714 24. 00-R-1715 25. 00-R-1717 26. 00-R-1718 27. 00-R-1719 28. 00-R-1720 29. 00-R-1721	30. 00-R-1716 31. 00-R-1724 32. 00-R-1725 33. 00-R-1727 34. 00-R-1728 35. 00-R-1729 36. 00-R-1730 37. 00-R-1731 38. 00-R-1732 39. 00-R-1733 40. 00-R-1734 41. 00-R-1735 42. 00-R-1736 43. 00-R-1737 44. 00-R-1738 45. 00-R-1739 46. 00-R-1740 47. 00-R-1741 48. 00-R-1742 49. 00-R-1743 50. 00-R-1744 51. 00-R-1745 52. 00-R-1746 53. 00-R-1747 54. 00-R-1748 55. 00-R-1749 56. 00-R-1750 57. 00-R-1751 58. 00-R-1752	59. 00-R-1753 60. 00-R-1754 61. 00-R-1755 62. 00-R-1756 63. 00-R-1757 64. 00-R-1758 65. 00-R-1759 66. 00-R-1760 67. 00-R-1761 68. 00-R-1762 69. 00-R-1763 70. 00-R-1764 71. 00-R-1765 72. 00-R-1766 73. 00-R-1767 74. 00-R-1768 75. 00-R-1769 76. 00-R-1770 77. 00-R-1771 78. 00-R-1772 79. 00-R-1773